THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.21830 of 2006

Dated: 23.10.2006

Between:

D. Munnaiah.

.... PETITIONER

AND

The APSRTC, rep. by its VC and MD, Musheerabad, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.21830 of 2006

ORDER:

Questioning the orders dated 17.10.2005 issued by the 2nd respondent-Depot Manager, ordering to effect recovery of Rs.21,063/- from the salary of the petitioner in 20 equal monthly instalments for loss of tickets, the present writ petition is filed.

2. When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioner and admitted to by the learned Standing Counsel for the respondents that the subject matter of this writ petition is squarely covered by the judgment of this Court in ***CH.P. REDDY v. A.P.S.R.T.C.***[1], wherein this Court considered similar issue and allowed the writ petition with the following observations.

> "Under the provision, if the Corporation faces a pecuniary loss by an employee's negligence the amount lost by the Corporation can be recovered wholly or partly. In no case, an amount more than the amount which was lost by the Corporation can be recovered from the negligent official. Therefore, Clause (v) of Regulation 8(1) also does not permit the Corporation to impose a penalty which is more than the amount of the loss the Corporation has suffered.
>
> Admittedly, in this case the respondents have not suffered loss of the amount which the tickets could fetch if they were sold to the passengers traveling in the buses. They have only suffered the loss which was incurred by

> the Corporation in their printing and stacking, that cost is also given in the impugned order. The Corporation has suffered a loss of Rs.400/- towards printing value and Rs.284/- on account of the cost of the tray, that makes it Rs.684/- and this Court while entertaining the writ petition had allowed the respondents to recover Rs.1,500/- from the petitioner.
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> For the reasons given above, this writ petition is allowed and the impugned order is quashed, but at the same time it is directed that if any amount has been recovered from the petitioner the respondents shall retain the amount which actually they lost because of the negligence of the petitioner the balance shall be paid back to the petitioner and if the amount is not recovered so far, the amount be recovered from the petitioner".

3. Following the said judgment, this writ petition is disposed of directing that the respondent-Corporation shall be entitled to recover the printing charges of the tickets misplaced in the hands of the petitioner and not the value thereof. It is further directed that if any amount has been recovered from the salary of the petitioner, the respondent-Corporation shall retain the amount, which actually they lost because of the negligence of the petitioner, and the balance shall be paid back to the petitioner and if the amount is not recovered so far, the amount be recovered from the petitioner. No costs.

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N.V. RAMANA, J.

Date: 23.10.2006

sj/nsr

[1] 2000(5) ALT 7